

KMKS - FM

Texas Hot Country 102.5

March 18, 2003

DOCKET FILE COPY ORIGINAL

Ms. Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, SW - 7th floor
Washington, DC 20554

**Ref: Opposition to Petition for Reconsideration
MM Docket No 99-331, RM-9848
Sandlin Broadcasting Co., Inc., FRN: 0001-6433-52**

Dear Ms Dortch:

Transmitted herewith, on behalf of Sandlin Broadcasting Co., Inc., licensee of radio station KMKS, Bay City, Texas, is an original and four (4) copies of its Opposition to Petition For Reconsideration, filed by Ganwood Broadcasting Company of Texas on February 20, 2003 in the above referenced proceeding.

Should any additional information be required, please contact me at 979-244-4242 or kay@!anks.com.

Respectfully Submitted.

Margaret K. Sandlin

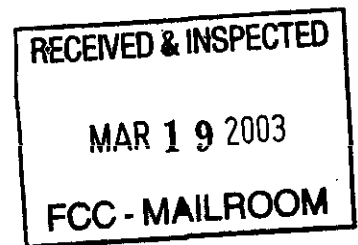
Margaret K. Sandlin
President, Sandlin Broadcasting Co., Inc

P.O. Box 789 Bay City, TX 77404-0789 Ph. (979) 244-4242 Fax (979) 245-0107 e-mail: kay@kmks.com

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Before The
FEDERAL COMMUNICATIONS
COMMISSION
Washington, D.C.



In the Matter of)	MM Docket No. 99-331
)	RM-9848
Amendment of Section 73.202(b))	
Table of Allotments)	
FM Broadcast Stations)	
(Madisonville, and)	
College Station, Texas))	

To: Chief, Audio Division
Media Bureau

Opposition to Petition for Reconsideration

Sandlin Broadcasting Co., Inc.(Sandlin), licensee of KMKS(FM), Channel 273 Bay City, Texas pursuant to 47 C.F.R 1.429(f) of the Commission's rules, **47** C.F.R1.429(f) (2001), hereby submits its Opposition to Petition for Reconsideration in response to the Petition for Reconsideration filed by Garwood Broadcasting (Garwood) in the above-referenced proceeding.]

Garwood's arguments on reconsideration have already **been** fully considered in this proceeding. Reconsideration is justified only when petitioner present new facts not previously known and which could not have been discovered with reasonable diligence.

¹ This Opposition is timely **tiled** pursuant to Section 1.429(f) and 1.4 (b).

Garwood's Petition for Reconsideration does not qualify and should therefore be denied. Garwood offers no new evidence to support its proposal. Garwood's Petition for Reconsideration is simply a rehash of arguments and character assault of Sandlin previously considered by the Commission. Garwood's petition provides absolutely no basis for the Commission to reconsider its earlier Order.

Sandlin **file** a Minor Change Application (BPH -20030206ACK) on February 6, 2003 to upgrade its facilities utilizing 73.215 . Garwood states in its Petition for Reconsideration "if Sandlin had ever previously stated its intention to operate as a short-spaced C1 station under FCC Rules 73.215, from its existing site, Garwood could have and would have, earlier proposed the channel 259C1 substitution discussed herein. There is no new information to be considered here. The fact that Sandlin had previously held a construction permit for 273C1 utilizing 73.215 processing was well discussed in this proceeding including Garwood's Counterproposal January 10, 2000 and its Reply To "Comment " filed February 28, 2002. Garwood knew Sandlin had utilized 73.215 processing previously and that request could be made again. 73.215 processing was previously known and Garwood's petition provides absolutely no basis for the Commission to reconsider its earlier Order. Garwood did not propose previously in this proceeding the reallocation of 259C1 for 273C1. Garwood's Petition for Reconsideration should be denied.

Roy E. Henderson (Henderson) is principal of Garwood . Henderson is also the principal of LaGrange Broadcasting Corporation (LaGrange) licensee of KTXM 260A Hallettsville and 241C3 in Edna, and Fort Bend Broadcasting Company (Fort Bend) Licensee of KROY 259 C2 Palacios.

This proceeding has been terminated. Ganvood Counterproposal has been denied. In its Petition for Reconsideration Garwood would now like **an** opportunity to amend its fatally flawed Counterproposal filed in this proceeding because it failed to provide **an** alternate C1 channel for use at Bay City. C1 was not previously proposed in **the** proceeding and should not be considered now by the Commission.

Henderson principal of Garwood/LeGrange now for the first time proposes the reduction of service to Hallettsville. LaGrange has filed a Minor Modification (BPH - 20030219ADS) on February 19, 2003 for KTXM 260A Hallettsville. The Minor Modification proposes to lower the effective radiated power of KTXM from 3.4 kW to .95 kW. Garwood's purposed for the reduction of service by KTXM is to increase power to KROY 259C2 to 259C1 in order to provide a supposed equivalent channel to replace 273C1 at Bay City. The **reduction** of service to Hallettsville proposed by LaGrange/Garwood is not in the public interest. Hallettsville is the county seat of Lavaca County. KTXM is the only full -time aural service licensed to Hallettsville, priority (1). KHLT 1520 AM Hallettsville, 250-Watt Daytime, is also owned by LaGrange and is licensed at Hallettsville. Section 307.(b) Allocation of facilities. "In considering applications for licenses and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the server States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same." Certainly the decrease of service by KTXM is not in compliance Sec. 307(b) since its service will be decreased by lowering its effective radiated power from 3.4 kW **to .95** kW for the sole purpose of increasing the power of KROY 99.7 Palacios. This proposal

does not provide a fair, efficient, and equitable distribution of radio service to Hallettsville. The Radio service at Hallettsville should not be reduced. Hallettsville is a city with a population of 2,772 as listed in Rand McNally Atlas, 2003. The reduction of the existing radio service at Hallettsville was not previously proposed and should not be considered now.

Garwood's counterproposal would have **removed** the service of KGUL 241C3 from the city of Edna, depriving Edna, the county seat of Jackson County, of its only and first full time service, priority (1). KTMR 1130 AM Daytimer is licensed at Edna. The **removal** of the only full time aural service at Edna would not be in the public interest. This proposal does not provide a fair, efficient, and equitable distribution of radio service to Edna. Edna is a city with a population of 5,899 as listed in Rand McNally Atlas, 2003. Garwood does not proposing replacing the channel at Edna instead proposed **removing** it from Edna. The Radio service should not be **deleted** at Edna. The Commission's decision **to** denying Garwood's request to **remove** KGUL from Edna was in **the** public interest.

Garwood's counterproposal would have reduced service to the city of Palacios. Garwood proposed **the** substitution of 264A for 259C2. KROY 259 C2 at Palacios is that cities only wide area full-time service, priority (1). The decrease of service at Palacios would not have been in the public interest. This proposal does not provide a fair, efficient, and equitable distribution of radio service to Palacios. The Commission should not allow the existing radio service at Palacios to be reduced. The Commission's decision to denying Garwood's request to reduce the service of KROY at Palacios was **in** the public interest.

Sandlin has previously explained its involvement in the South Texas Project and Matagorda County Emergency plan with fixed tone alert radios tuned to KMKS 102.5 and the significant public safety issue's which would be created by removing Channel 273 for Matagorda County. The Commission should also consider the public safety issues, which would be created by removing KGUL 241C3 from Edna, and the reduction of the effective radiated power, (BPH - 20030219ADS) for KTXM 260A Hallettsville.

In Texas the county seat is the hub for business and for the operation centers of Law Enforcement Agencies and Emergency Operations. Garwood/LaGrange proposes **removing** service at Edna and **reducing** service at Hallettsville and Palacios, which could also create severe public safety concerns. The Commission has previously stated: "the public has a legitimate expectation that existing service will continue, and this expectation is a factor we must weigh independently against the service benefits that may result from reallocating a channel from one community to another, regardless of whether service removed constitutes a transmission service, a reception service, or both. "See Change of Community MO&O, supra, at 5 FCC Red 7097 and DA 99-289. Henderson request in the Ganvood Petition for Reconsideration the effective radiated power at Hallettsville **be** reduced to just .95kW the only justification for the reduction in radio service at Hallettsville is the upgrade of KROY at Palacios to C1.

However, even **if** the Commission permitted the reduction of service at Hallettsville to accommodate the request to raise the power at Palacios., the proposal would fail. In order for the Petition to be granted, KMKS-FM must move from Channel 273C1 to 259C1, which was not in the original counterproposal. And can not be considered now.

In proposing such a reallocation the proponent must demonstrate the proposed new channel is fully-spaced pursuant to Section 73.207 of the Commission's rules from the station's authorized transmitter site, as set forth in Section 73.208(a)(1)(i) of the Commission's rules. Thus in proposing to move Station KMKS-FM from 273C1 to Channel 259C1, the Petitioner must ensure that the license and the allocation sites **are** fully-spaced. The Petitioner can not.

As shown in the attached Spacing Study, attached hereto as Exhibit A, **the** proposed allotment of Channel 259C1 **to** KMKS-FM.s at the KMKS transmitter site is short-spaced to Channel 259A at Willis by 7.18 kilometers and to Channel 260A at Hallettsville by 37.42 kilometers. Channel 259C1 would be short-spaced at the KMKS C1 allocation site by 29.85 kilometers **to** 258C San Antonio, 10.62 kilometers to 259C3 at Huntsville, Channel 259A at Willis by 15.13 kilometers, and Channel **260A** at Hallettsville by 69.87 kilometers. Therefore, the Commission can not grant the Petition without Sandlin's consent, as this would result in a short-spaced allotment of 259C1.² Sandlin does not give its consent.

Sandlin believes Henderson, principal of Garwood, Fort Bend and LaGrange, has demonstrated in his Petition for Reconsideration that he is not concerned with serving the public in Edna, Palacios or Hallettsville. The removal of service at Edna and the reduction of radio service at Hallettsville and Palacios would serve only Henderson's Private Interest not the public interest.

² In proposing such a reallocation the proponent must demonstrate the proposed new channel is fully-spaced pursuant to Section 73.207 of the Commission's rules from the station's authorized transmitter site, as set forth in Section 73.208(a)(1)(i) of the Commission's rules.

The Commission should take a strong **look** at the implications **the** Petition for Reconsideration has with regard to Henderson's qualifications as licensee. Removing service at Edna, reducing service to Hallattsville leaving that city with an unknown class of FM. KTXM serve as Hallettsville's first and only full time aural service, reduce service to Palacios from C2 to A, disrupt the Emergency Services provide by Channel 273 in Bay City. KMKS at 273 serves as the Official Emergency station of the South Texas Nuclear Operating Company near Bay City with non-tunable radio's tuned to KMKS 102.5. FM is not in the public interest. Removing existing radio service at Edna and reduction radio service at Hallettsville and Palacios would be a disservice to the public and is in violation of 47 C.F.R Sec. 307(b).

The Petitioner has plainly failed to meet its burden under Section 1.429 and the Petition for Reconsideration filed by Garwood should be dismissed or denied.

I verify that the above statement is true and correct to the best of my knowledge and beliefs and is submitted in good faith.

Respectfully submitted,

By Margaret K. Sandlin
Margaret K. Sandlin, President
Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, TX 77404-0789
Ph. 979-244-4242, FAX 979-245-0107, email kav@kmks.com

MARCH 18.2003

CERTIFICATE OF SERVICE

I, Margaret K. Sandlin, do hereby certify that copies of the foregoing Opposition
To Petition for Reconsideration have been served this **18th** day of March, **2003**,
upon the following:

Sent by Federal Express Courier To:

Secretary, Audio Division, Media Bureau
Federal Communications Commission
9300 East Hampton Dr.
Capitol Heights, MD **20743-3847**

Sent by U.S. Postal Service To:

Robert J. Buenzle
11710 Plaza America Drive
Suite **2000**
Reston, Virginia **20190**
Counsel For Garwood Broadcasting Company of Texas,
Fort Bend Broadcasting Co., Inc., and Roy E.
Henderson, Principle of LaGrange Broadcasting
Corporation

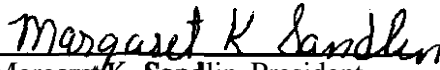

Margaret K. Sandlin, President
Sandlin Broadcasting Co., Inc.
P.O. Box 789
Bay City, TX 77404-0789
PH. 919-244-4242, FAX 979-245-0107
EMAIL KAY@KMKS.COM

Exhibit A

Spacing Study

Channel Scan For KMKS C1 Palacios Twr On Channel 259
 03-16-2003 09:38:14 At Latitude>284750 Lonitude>960921

Chan	City	Call	Lat	Lon	Class	Bear.	Req.	Dist.	Diff	
256	HOUSTON	KODA	293434	953036	C	036.04	105.00	106.76	001.76	Close
256	HOUSTON	KODA	294532	952203	C	035.71	105.00	131.26	026.26	
256	CORPUS C	KRYS-	274507	973818	C1	231.47	082.00	185.94	103.94	
256	HOUSTON	KODA	293434	953036	C	036.04	105.00	106.76	001.76	Close
256	CORPUS C	KRYS-	274507	973817	C1	231.46	082.00	185.92	103.92	
257	TEMPLE	K257D	310955	972324	D	335.59	000.00	288.25	288.25	
257	THORNDAL	97090	302929	971121	A	331.95	075.00	212.78	137.78	
257	CORRIGAN	N	305947	944936	A	027.77	075.00	275.51	200.51	
257	THORNDAL	KJAZ	302934	970906	A	332.84	075.00	211.23	136.23	
257	THORNDAL	KJAZ	302709	971513	c3	329.91	076.00	212.05	136.05	
257	THORNDAL	KJAZ	302709	971513	c3	329.91	076.00	212.05	136.05	
258	SAN ANTO	KISS-	291629	981552	C	284.45	209.00	212.10	003.10	Close
258	BRYAN	KNFX-	303902	962058	A	354.79	133.00	206.28	073.28	
258	BRYAN	88011	303834	961952	A	355.26	133.00	205.27	072.27	
258	SAN ANTO	KISS-	291629	981552	C	284.45	209.00	212.10	003.10	Close
258	VICTORIA	KETI-	284846	965945	L1	271.20	000.00	082.02	082.02	
259	SUGAR LA	K259A	293723	953307	D	032.68	000.00	108.75	108.75	
259	PALACIOS	KROY	284353	960526	c2	041.15	224.00	009.69	-214.31	Short
259	BRENNHAM	K259A	300813	962358	D	350.96	000.00	150.36	150.36	
259	HUNTSVIL	KUST	304213	952832	c3	017.30	211.00	221.32	010.32	
259	PALACIOS	KROY	284353	960400	c2	050.04	224.00	011.36	-212.64	Short
259	HUNTSVIL	KUST	304537	952544	c3	017.90	211.00	228.67	017.67	
259	AUSTIN	K259A	301924	974759	D	316.72	000.00	232.36	232.36	
259	BAY CITY	N	284747	960917	c2	049.59	224.00	000.14	-223.86	Short
259	PALACIOS	N	284353	960526	c2	041.15	224.00	009.69	-214.31	Short
259	WILLIS	N	303237	952832	A	018.79	200.00	204.47	004.47	Close
259	BASTROP	NEW	300651	971904	L1	322.32	000.00	184.43	184.43	
259	MARBLE F	NEW	303609	981617	L1	314.34	000.00	286.28	286.28	
259	WILLIS	KUST	302655	953148	A	018.32	200.00	192.82	-007.18	Short
260	ROBSTOWN	KSAB	274428	973608	C1	230.49	177.00	183.95	006.95	
260	LOCKHART	K260A	295702	974019	D	310.97	000.00	194.96	194.96	
260	HALLETTS	KTXM	292745	965604	A	314.22	133.00	105.73	-027.27	Short
260	HALLETTS	89051	292546	964925	A	317.15	133.00	095.58	-037.42	Short
260	ROBSTOWN	KSAB	274739	973515	C1	231.64	177.00	179.11	002.11	Close
260	LIBERTY	KSHN	300305	943137	c2	048.67	158.00	210.50	052.50	
260	LIBERTY	88012	300738	943736	c2	045.18	158.00	209.13	051.13	
260	ROBSTOWN	KSAB	274507	973817	C1	231.46	177.00	185.92	008.92	
260	DRIPPING	KDRP-	301139	980321	L1	310.04	000.00	240.67	240.67	
261	CROCKETT	NEW	311736	952853	L1	013.23	000.00	284.23	284.23	
262	HOUSTON	KILT-	293434	953036	C	036.04	105.00	106.76	001.76	Close
262	HOUSTON	KILT-	293434	953036	C	036.04	105.00	106.76	001.76	Close
262	SAN ANTO	KCYY	293125	984325	C	287.86	105.00	262.47	157.47	
262	SAN ANTO	KCYY	293125	984325	C	287.86	105.00	262.47	157.41	

Channel Scan For KMKX Alloc BAY CITY
03-16-2003 09:41:13 At Latitude>290600

On Channel 259
Longitude>962600

Chan	City	Call	Lat	Lon	Class	Bear.	Req.	Dist.	Diff	
256	HOUSTON	KODA	293434	953036	C	059.52	105.00	104.05	-000.95	Short
256	HOUSTON	KODA	294532	952203	C	054.77	105.00	126.61	021.61	
256	CORPUS C	KRYS-	274507	973818	C1	218.32	082.00	190.41	108.41	
256	HOUSTON	KODA	293434	953036	C	059.52	105.00	104.05	-000.95	Short
256	FAIRFIEL	KNES	313926	960448	C3	006.83	076.00	285.51	209.51	
256	FAIRFIEL	KNES	314055	960122	C3	007.85	076.00	288.93	212.93	
256	WACO	NEW	313324	970753	L1	346.15	000.00	280.48	280.48	
256	INGRAM	N	300430	991406	A	291.71	075.00	292.16	217.16	
256	CORPUS C	KRYS-	274507	973817	C1	218.31	082.00	190.39	108.39	
257	TEMPLE	K257D	310955	972324	D	338.07	000.00	246.80	246.80	
257	THORNDAL	97090	302929	971121	A	334.65	075.00	170.67	095.67	
257	CORRIGAN	N	305947	944936	A	036.39	075.00	261.15	186.15	
257	THORNDAL	KJAZ	302934	970906	A	335.78	075.00	169.29	094.29	
257	THORNDAL	KJAZ	302709	971513	C3	332.12	076.00	169.61	093.61	
257	THORNDAL	KJAZ	302709	971513	C3	332.12	076.00	169.61	093.61	
258	SAN ANTO	KISS-	291629	981552	C	276.21	209.00	179.15	-029.85	Short
258	BRYAN	KNFX-	303902	962058	A	002.70	133.00	172.06	039.06	
258	BRYAN	88011	303834	961952	A	003.31	133.00	171.30	038.30	
258	SAN ANTO	KISS-	291629	981552	C	276.21	209.00	179.15	-029.85	Short
258	VICTORIA	KETI-	284846	965945	L1	239.86	000.00	063.40	063.40	
259	SUGAR LA	K259A	293723	953307	D	055.89	000.00	103.37	103.37	
259	PALACIOS	KROY	284353	960526	C2	039.29	224.00	052.79	-171.21	Short
259	BRENNHAM	K259A	300813	962358	D	001.64	000.00	114.98	114.98	
259	HUNTSVIL	KUST	304213	952832	C3	027.49	211.00	200.38	-010.62	Short
259	PALACIOS	KROY	284353	960400	C2	041.19	224.00	054.29	-169.71	Short
259	HUNTSVIL	KUST	304537	952544	C3	027.79	211.00	208.03	-002.97	Short
259	AUSTIN	K259A	301924	974759	D	315.72	000.00	189.39	189.39	
259	BAY CITY	N	284747	960917	C2	038.91	224.00	043.24	-180.76	Short
259	PIUACIOS	N	284353	960526	C2	039.29	224.00	052.79	-171.21	Short
259	WILLIS	N	303237	952832	A	030.05	200.00	184.87	-015.13	Short
259	ENCINAL	N	280351	991447	A	247.36	200.00	298.18	098.18	
259	BASTROP	NEW	300651	971904	L1	322.69	000.00	141.34	141.34	
259	MARBLE F	NEW	303609	981617	L1	313.16	000.00	243.48	243.48	
259	WILLIS	KUST	302655	953148	A	030.30	200.00	173.14	-026.86	Short
260	WACO	WACO-	312015	971837	C	341.20	209.00	262.01	053.01	
260	ROBSTOWN	KSAB	274428	973608	C1	217.25	177.00	189.20	012.20	
260	LOCKHART	K260A	295702	974019	D	308.14	000.00	152.66	152.66	
260	HALLETTS	KTXM	292745	965604	A	309.53	133.00	063.13	-069.87	Short
260	HALLETTS	89051	292546	964925	A	313.91	133.00	052.65	-080.35	Short
260	ROBSTOWN	KSAB	274739	973515	C1	218.00	177.00	183.64	006.64	
260	WACO	WACO-	313051	971143	C	344.68	209.00	277.47	068.47	
260	LIBERTY	KSHN	300305	943137	C2	060.28	158.00	212.70	054.70	
260	LIBERTY	88012	300738	943736	C2	056.95	158.00	208.77	050.77	
260	ROBSTOWN	KSAB	274507	973817	C1	218.31	177.00	190.39	013.39	
260	DRIPPING	KDRP-	301139	980321	L1	307.67	000.00	198.47	198.47	
261	CROCKETT	NEW	311736	952853	L1	020.66	000.00	259.84	259.84	

262	HOUSTON	KILT-	293434	953036	C	059.52	105.00	104.05	-000.95	Short
262	HOUSTON	KILT-	293434	953036	C	059.52	105.00	104.05	-000.95	Short
262	SAN ANTO	KCYY	293125	984325	C	281.92	105.00	227.39	122.39	
262	SAN ANTO	KCYY	293125	984325	C	281.92	105.00	227.39	122.39	

Exhibit B

Petition to Deny

LaGrange Broadcasting Corporation

Minor Modification BPH-20030219ADS

KMKS - FM

Texas Hot Country 102.5

March 18, 2003

Secretary
Federal Communications Commission
445 12th Street, SW - 7th floor
Washington, DC **20554**

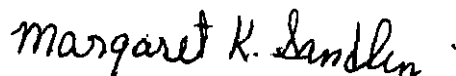
Ref: Petition To Deny
Minor Modification, **BPH-20030219ADS**

~~Dear~~ Secretary:

Transmitted herewith, ~~on~~ behalf of Sandlin Broadcasting Co., Inc., FRN: 0001-**6433-52**, licensee ~~of~~ radio station KMKS, Bay City, Texas, is ~~an~~ original and ~~four~~ (4) copies of ~~its~~ Petition To Deny the Minor Modification, **BPH-20030219ADS**, filed by LaGrange Broadcasting Corporation (LaGrange) licensee of KTXM FM Channel **260A** Hallettsville, **Texas**.

Should any additional information be required, please contact me at **979-244-4242** or kay@kmks.com.

Respectfully Submitted.



Margaret **K.** Sandlin
President, Sandlin Broadcasting Co., Inc.

**Before The
FEDERAL COMMUNICATIONS
COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Minor Modification of)	
LaGrange Broadcasting Corporation for)	BPH-20030219ADS
KTXM-FM)	
Channel 260A)	FRN: 0006-5091-29
Hallettsville, Texas))	

**To: Chief, Audio Division
Media Bureau**

PETITION TO DENY

Sandlin Broadcasting Co., Inc. (Sandlin) (see MM Docket No. 99-331, RM 9848 Garwood Broadcasting Co., Inc, Petition for Reconsideration 2/20/2003) pursuant to **the** Commissions rules 47 C.F.R. 73.3584, hereby petitions **the** Commission to deny **the** above-referenced Minor Modification (BPH-20030219ADS) filed by LaGrange Broadcasting Corporation (LaGrange) licensee of KTXM FM Channel 260A Hallettsville, Texas.

Hallettsville is the county seat of Lavaca County. Hallettsville is a city with a population of 2,772 as listed in Rand McNally Atlas, 2003. KTXM is Hallettsville **first** and only full –time aural service, priority (1). LaGrange has requested the reduction **of** service at Hallettsville, a reduction of the effective radiated power from 3.4kW to .95kW

for the **sole purpose** of allowing **KROY** Palacios, Texas channel 259C2 to increase it power to 259C1. This request does not comply with Section 307.(b) “Allocation of Facilities” which states, “In considering applications for licenses and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the server States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of **the** same.” This proposal does not provide a fair, efficient, and equitable distribution of radio service to Hallettsville. The **reduction** of Radio Service at Hallettsville is not in the public interest.

The Commission has previously stated: “the public has a legitimate expectation that existing service will continue, and this expectation is a factor we must weigh independently against the service benefits that may result from reallocating a channel from one community to another, regardless of whether service removed constitutes a transmission service, a reception service, or both.”. **See** Change of Community MO&O, supra, at 5 FCC Red 7097 and DA 99-289. In this case, LaGrange proposes a drastic reducing in service at Hallettsville.

In MM Docket No. 99-331, RM 9848 Garwood Broadcasting Co., Inc. (Garwood), filed a Petition for Reconsideration on February 20,2003. On page 21 paragraph 2 it states “ **it is clear that it is now possible to replace 273C1 with 259C1 to operate on the same short-spaced basis at that same site. As documented in the attached Engineering Statement (Exhibit 4) all that would be required to make that work is for station KTXM (FM) at Hallettsville, Texas, also owned by the principal of Garwood, to make a minor reduction in power and or site location and the**

licensee of KTXM (FM) at Hallettsville hereby **makes** that **commitment**.” Roy E.

Henderson (Henderson) is the principal of LaGrange, Garwood Broadcasting Co and Fort Bend Broadcasting Company (Fort Bend).

The Commission should reject the Minor Modification as proposed by LaGrange because it does not comply with the Commission's rules and regulation but most of all because decreasing radio service is not in the public interest.

I verify that the above statement is true and correct to the **best of** my knowledge and beliefs and is submitted in good faith.

Respectfully submitted,

By Margaret K. Sandlin
Margaret K. Sandlin, President
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March **18, 2003**

CERTIFICATE OF SERVICE

I, Margaret K. Sandlin, do hereby certify that copies of the Petition to Deny have been served this **18th** day of March, **2003**, upon the following:

Sent by Federal Express Courier To:


Secretary, Audio Division, Media Bureau
Federal Communications Commission
9300 East Hampton Dr.
Capitol Heights, MD **20743-3847**

Sent by U.S. Postal Service To:

LaGrange Broadcasting Corporation
1110 West William Cannon Dr.
Suite **402**
Austin, TX **78745-5460**

Robert J. Buenzle
11710 Plaza America Drive
Suite **2000**
Reston, Virginia **20190**

Counsel For Garwood Broadcasting Company of **Texas**,
Fort Bend Broadcasting Co., Inc., and Roy E.
Henderson, Principle of LaGrange Broadcasting
Corporation.


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